IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA	)	
	)	Criminal No. 7:21-cr-35
v.	)	
	)	
MICHAEL DWAYNE HARBOR, JR.,	)	By: Michael F. Urbanski
Defendant.	)	Chief United States District Judge

ORDER

This matter is before the court on defendant Michael Dwayne Harbor's motion to review a detention order, ECF No. 64, and motion for a prompt hearing, ECF No. 73. In the motion for bond review, among other arguments, defendant asserts that he has new evidence which was not available at the time of the hearing before the magistrate judge. Motion for Bond Review, ECF No. 64 at 8 ("Counsel intends to present additional evidence uncovered after investigating the government's claims."), and at 7 n.4 ("Since receiving police reports and videos a few hours before the hearing, the defense has investigated and discovered several witnesses, some or all of which the defense intends to present at a hearing, to rebut the government's allegations.").

Pursuant to 18 U.S.C. § 3142(f), a detention hearing "may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community."
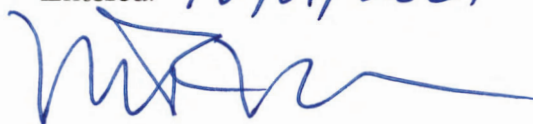
Because defendant cites new evidence as a reason for review of the detention decision,

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the court believes that this evidence should first be presented to the magistrate judge who conducted the earlier detention hearing to see whether the requirements of § 3142(f) are met.

Accordingly, the court refers the motions for bond review, ECF No. 64, and for a hearing, ECF No. 73, to United States Magistrate Judge Robert S. Ballou pursuant to 28 U.S.C. § 636(b)(1)(A).

It is so **ORDERED**.

Entered: 12/09/2021

Michael F. Urbanski
Chief United States District Judge

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